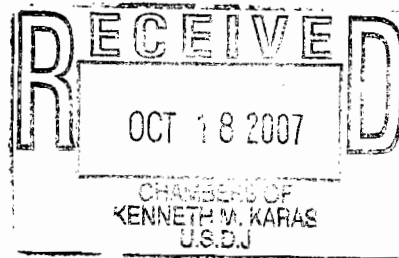


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October 17, 2007

## MEMO ENDORSED

The Honorable Kenneth M. Karas  
United States District Court, Southern District of New York  
300 Quarropas Street, Room 533  
White Plains, NY 10601

Re: United States v. Timothy Montgomery, Crim. No. 1:05 cr 1067

Dear Judge Karas:

The above-referenced criminal case is scheduled for a status hearing before this Court on November 1, 2007. I am writing to request that the November 1 status hearing be vacated and a sentencing date be scheduled.

I have spoken to AUSA Danya Perry, counsel for the United States in this matter, about the November 1 hearing. She is not opposed to vacating that hearing and scheduling a sentencing date in this matter.

Thank you in advance for your consideration.

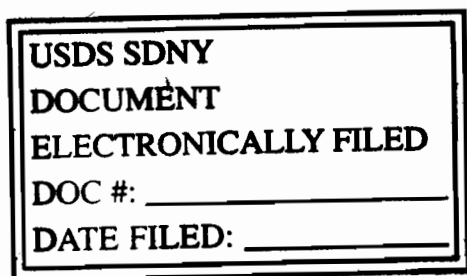
Sincerely,

*Timothy J. Heaphy*

Timothy J. Heaphy  
Counsel to Timothy Montgomery

Cc: AUSA Danya Perry

*Sentence is scheduled for ~~Nov 1~~<sup>Dec 12</sup>, 2007  
at 3:00*



SO ORDERED

*[Signature]*  
KENNETH M. KARAS U.S.D.J.

*10/17/07*